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DISTRICT OF COLUMBIA

STATEHOOD CONSTITUTIONAL CONVENTION

Saturday, May 8, 1982
11:00 o'clock a.m.

929 E Street, N.W.
Washington, D.C.

Presiding:

Mr. James Baldwin, First Vice President
Mr. Charles Cassell, President

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P R O C E E D I N G S

CHAIRMAN BALDWIN: Will the meeting please come to order. We will now observe a silent moment of prayer. [Pause]

Mr. Secretary, will you call the roll, please.

[The following delegates responded to indicate their presence during roll call: Baldwin, Cooper, Croft, Eichhorn, Garner, Graham, Holmes, Jackson, Johnson, Jones, Jordan, Kameny, Long, Marcus, C. Mason, B. Moore, T. Moore, Nahikian, Nixon, Schrag, Street, Terrell, Thomas.]

SECRETARY COOPER: Mr. Chair, 23 delegates answered the roll.

CHAIRMAN BALDWIN: Thank you, Mr. Secretary.

SECRETARY COOPER: You're welcome.

CHAIRMAN BALDWIN: We will now debate, discuss the final article of the committee on suffrage, and that article deals with amendments and revisions. The following rules and procedures will be adhered to. Number one, the chairperson of this particular committee will begin ad seriatim, section by section. No delegate will be allowed to speak more than twice to a section. And you'll only speak your second time if we've heard from all those other delegates who wish to be heard. And third and finally, if

your amendments, proposed amendments that you have in mind and you haven't gotten to them or got through them--in other words, if you have more than two amendments, you will in fact put that amendment in writing, refer it to the committee, and the committee will act on it. I can't say they'll bring it back to this body. You know the rules dealing with what a committee brings back. But if they don't approve of it, they will also have to bring why they didn't approve of it. And the floor will then in fact entertain that prior to the submission of this the second reading. So, those are the procedures we will follow in the debating of this article.

Madam Chairperson, you will not read all of the article again. We'll start right with section 1, and we'll deal with them ad seriatim.

DELEGATE GARNER: Mr. Chairman, point of order. If people from the floor wish to make amendments, is it your understanding that they cannot make those amendments?

CHAIRMAN BALDWIN: That wasn't my understanding.

DELEGATE GARNER: Was not?

CHAIRMAN BALDWIN: I didn't state that. And if that's your understanding, I'd clear it up. I said each delegate would be allowed at least two amendments to any section. And if there's more than two, they'll put it in

writing and refer it to the committee.

DELEGATE GARNER: Fine.

CHAIRMAN BALDWIN: Delegate Johnson.

DELEGATE JOHNSON: Fellow delegates, I move then the adoption of section 1 of the article on constitutional amendments and revisions entitled "Introduction."

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 1, which is the introduction of the article on amendments and revisions. Is there a minority report, Madam Chairperson?

DELEGATE JOHNSON: There is no minority report, sir.

CHAIRMAN BALDWIN: Therefore, the floor is open for discussion on section 1. Delegate Street.

DELEGATE STREET: I'd like to ask: Is this clearly defined as meaning any one of three routes, or do you have to do all three?

DELEGATE JOHNSON: One of three routes.

DELEGATE STREET: That's what I thought.

DELEGATE JOHNSON: Each of which are then clarified, we hope, as we move through the rest of the article.

DELEGATE STREET: I just wanted to know whether that would be clear to a reader.

DELEGATE JOHNSON: Amending the state constitution may be proposed by (a), (b), or (c).

CHAIRMAN BALDWIN: Is there further discussion? Is there further discussion? Is there further discussion? Having heard none, those in favor of adopting section 1, signify by saying, "Yes." [Response]

Those opposed, "Nay." [Silence]

Motion so adopted.

Carry on.

DELEGATE JOHNSON: I move the adoption of section 2, the legislature.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: Delegate Johnson, it has been moved and seconded that we adopt section 2. Are you ready for discussion? Delegate Jackson.

DELEGATE JACKSON: Yes, sir, I'd like to propose a short amendment to this that would say: no less than 90 days prior to the next appropriate election.

A DELEGATE: Second.

CHAIRMAN BALDWIN: Give us your line, Delegate Jackson.

DELEGATE JACKSON: Line 14.

CHAIRMAN BALDWIN: Line 14? And you'd like to

delete 60 and insert 90?

DELEGATE JACKSON: Right.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we amend line 14 by deleting 60 and inserting 90. Discussion?

DELEGATE JACKSON: Shall I speak to it first or last?

CHAIRMAN BALDWIN: You may speak any time you wish?

DELEGATE JACKSON: Okay, I'll speak now and I'll speak briefly about it. It is just my belief that if something is going to come on the ballot by November, that October and September does not allow proper discussion. What it could allow is that one group that is strong in a particular area of the city or a particular interest could sneak something up like tuition tax came up. By the time the people of D.C. realize what has hit them, the time is up. And I don't think that two months allows for that. Really I don't think three months allows for it. But I will take into consideration some of the things that the chair has reasonably given. So, for that I speak to at least 90 days.

A DELEGATE: I second it.

CHAIRMAN BALDWIN: It has been seconded. We are discussing his amendment. Delegate Nahikian.

DELEGATE NAHIKIAN: I'd like to ask Chairperson Johnson a question.

CHAIRMAN BALDWIN: You must speak strictly to the amendment.

DELEGATE NAHIKIAN: I understand that. The amendment has been--I should point--just a point of order, Mr. Chairman, for the record. We have not had discussion of this section.

CHAIRMAN BALDWIN: We did. Just a second. Let the record reflect that we did have a discussion of this. We also--it was read and we had question and answer.

DELEGATE JOHNSON: We discussed this for two hours.

CHAIRMAN BALDWIN: We spent two hours this morning discussing it.

SECRETARY COOPER: One hour.

CHAIRMAN BALDWIN: So, if you'll proceed with your question.

DELEGATE NAHIKIAN: Thank you. We've not had it formally then while we had a quorum.

CHAIRMAN BALDWIN: That's okay. The record will reflect that.

[An informal question and answer session was held from 10:04 to 10:59 a.m.]

DELEGATE NAHIKIAN: That's not an official discussion. Consequently, my question concerning the amendment has two parts to it. One is that I'd like to know the rationale of the committee for allowing the legislature to be able to act with 60 days' notice. And I'd also like to know why you did not feel that any proposed amendment to the constitution made by the legislature should not also require a vote by the voters or the electors of the state.

DELEGATE B. MOORE: On your first question about 60 days, many of the constitutions require that official notice go out through a number of publications. And we assume that the state would be made aware of the upcoming constitutional amendment months prior to the election, but that the state's machinery would have to have distributed to the voters the pros and cons of this amendment no later than 60 days prior to the election. So, we think we feel there would be information three and four months ahead of time. The second question, I--

CHAIRMAN BALDWIN: The second question does not pertain to line 14. Are there other discussion or questions regarding--

DELEGATE NAHIKIAN: Point of order, Mr. Chairman. My question did pertain to how I would vote on this amendment.

CHAIRMAN BALDWIN: Are there other discussions regarding the amended--

DELEGATE NAHIKIAN: Mr. Chairman, I'd like for the committee to respond briefly.

CHAIRMAN BALDWIN: Will you state your second question, please. And the chair will determine whether or not it's in order.

DELEGATE NAHIKIAN: The question was, In the context of feeling that 60 days was an adequate period of time, what was the rationale for not requiring that the voters ratified any amendment placed on the ballot by the legislature?

DELEGATE B. MOORE: We do. The voters must ratify. There's a majority vote of the populace after the legislature.

DELEGATE NAHIKIAN: Thank you.

CHAIRMAN BALDWIN: Are there further discussions or questions regarding Delegate Jackson's amendment? Having heard none, those in favor of the amended line 14--that is, deleting 60 andinserting 90--signify by a show of hands. [Show of hands]

SECRETARY COOPER: Nine.

CHAIRMAN BALDWIN: Those opposed, show of hands.

[Show of hands]

SECRETARY COOPER: Eight.

CHAIRMAN BALDWIN: Abstention?

SECRETARY COOPER: Three.

CHAIRMAN BALDWIN: The motion carried.

Is there further discussion on section 2?

Delegate Jordan, if there is any way possible, I'd like for you to remain on the floor because if you leave, we would not then have a quorum to vote on this next item. And we're trying to keep a quorum. It means we have to keep continually recessing.

Section 2. Section 2.

DELEGATE B. MOORE: Call the question.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 2. The question has been called for. Those in favor of adopting section 2, please signify by a show of hands. [Show of hands]

SECRETARY COOPER: Twenty-two.

CHAIRMAN BALDWIN: Those opposed? [No hands raised]

Abstention? [No abstentions]

Motion carried.

DELEGATE JOHNSON: Mr. President, I move the

adoption of section 3, the initiative.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 3, which is the initiative.

DELEGATE JOHNSON: Is there a second?

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: Discussion?

DELEGATE JONES: I call for the previous question.

DELEGATE THOMAS: Second.

CHAIRMAN BALDWIN: The previous question has been called for. Those in favor, say, "Aye." [Response]

Opposed is "Nay." [Silence]

So ordered.

Those in favor of adopting section 3, the initiative, signify by a show of hands. [Show of hands]

SECRETARY COOPER: Twenty-three.

CHAIRMAN BALDWIN: Opposed? [One hand raised]

Section 3 has been adopted.

Section 4.

DELEGATE JOHNSON: I move the adoption of section 4, the constitutional convention.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 4, the constitutional

convention. Discussion? Delegate Kameny, Delegate Long.

DELEGATE KAMENY: I just wanted to raise a question with respect to the committee's intentions, especially with respect to section 4(b). Does the committee consider constitutional conventions desirable so that they should sort of plant the seeds for them with section 4(b)? To me, constitutional conventions are inherently destructive and should be avoided at all costs. [Delegates laugh.]

Not ours. I'm sorry. I don't mean the initial one. I mean, after you've gotten your constitution. I apologize. [Laughter]

I apologize for that. But I meant here every ten years you're planting the seeds for a whole new convention which could dismantle everything that you have according to what we do. And I was wondering if the committee really intended that.

DELEGATE JONES: Delegate Kameny--

DELEGATE KAMENY: I apologize for my implication with respect to this convention. It was not intended.

DELEGATE JONES: Delegate Kameny, the question shall be placed on the ballot every ten years. But a convention, even though the citizens say yes, would not be called every ten years because (c) talks about a preparatory

commission. And of course the legislature would have to talk about the length of time that that preparatory commission would run. In my research I found that the last three states who had constitutional conventions and came into the union had preparatory commissions that lasted anywhere from nine to eighteen months. That was the commission that bought the typewriters, that hired staff, saw that the tables were there, so that when the delegates got there, they only wrote the constitution. We have been pampered somewhat by having to do all of that administrative work ourselves. So, therefore, it would not happen just within a ten-year period. So, it seems to me, because you would say yes to the constitutional convention, there would be a time of preparation for it. And consequently there would be a period of deliberation. So, it would not be every ten years.

DELEGATE KAMENY: If the preparatory period turned out to be somewhere nearer 50 years, I would feel more comfortable.

DELEGATE JONES: No, no. No, no. I wouldn't. I think that in any--

DELEGATE KAMENY: Or a hundred.

DELEGATE JONES: --in any ten-year period you'd look at any document that you have in order--

CHAIRMAN BALDWIN: We aren't going to allow committee members to speak once the question has been satisfied. That takes up time. If he's satisfied, we don't--were you satisfied, Delegate Kameny, with the response?

DELEGATE KAMENY: I got an answer to my question. I'm not happy with the answer I got, but I got an answer. Thank you, Delegate Jones, particularly.

DELEGATE B. MOORE: Delegate Kameny, 41 of the 50 states make provisions for constitutional conventions to be dealt with by the populace. And of those 41, 14 give specific years that the question has to be called. So, we went along with tradition in indicating in our constitution that there should be procedures allowed by both legislature and electorate to call for a convention.

DELEGATE KAMENY: Anything that's traditional is always the subject of suspicion.

CHAIRMAN BALDWIN: Delegate Robinson.

DELEGATE ROBINSON: My question is, Does the governor have a veto power over the measure calling for... I ask this question because it can prove very embarrassing constitutionally if the voters have expressed their desire by the ballot that they are in favor of a constitutional convention and the governor vetoes it. Has this committee taken

into consideration or have they addressed the veto power of the governor over this particular matter?

DELEGATE B. MOORE: No, we have not addressed that. But it's our understanding that the veto, as brought up in the executive, only applies to the legislative actions. We do not believe, nor have we addressed that issue. The governor has the veto power over legislative actions, but not the people; not in initiative, no.

DELEGATE ROBINSON: I don't necessarily hold that the governor could not veto an initiative or a referendum.

DELEGATE B. MOORE: Or are you concerned that the governor might veto the secretary of state's putting on the ballot the question. He can't if it's in the constitution. There's just no provision, no power.

DELEGATE ROBINSON: So, you are saying to me that the governor has no role in it at all?

DELEGATE B. MOORE: That's correct.

DELEGATE JOHNSON: He's a voter, but not as far as veto.

CHAIRMAN BALDWIN: Delegate Long.

Just one second, please. When a delegate asks a question, it is up to the committee to respond. Delegate Long.

DELEGATE LONG: I have an amendment which I circulated with clarifying language for section 4(b). I have checked with the chair of the committee and the chair of the subcommittee--

CHAIRMAN BALDWIN: Delegate Long, at this point we are on section 4(a).

DELEGATE LONG: Oh, I thought we were dealing with the whole thing together.

CHAIRMAN BALDWIN: No, no, ad seriatim. We would take (a), (b), (c).

DELEGATE LONG: Okay, thank you.

CHAIRMAN BALDWIN: Are there further questions or discussion regarding section 4(a)?

DELEGATE THOMAS: I move the question, Mr. President.

A DELEGATE: Second.

DELEGATE GARNER: I believe to be conforming with Delegate Jackson's amendment an earlier section we should change from 60 days to 90 days so it's consistent. And I believe we could get consensus on that point.

CHAIRMAN BALDWIN: Is there consensus that we'll change line 31, that 60 to 90? A member of the committee said to be consistent we should do that. By consensus? [Delegates respond, "Yes."] We should change 60 to 90.

The question has been called for, for section 4(a). Those in favor of adopting section 4(a), signify by a show of hands. [Show of hands]

A DELEGATE: As amended.

CHAIRMAN BALDWIN: As amended.

SECRETARY COOPER: Nineteen.

CHAIRMAN BALDWIN: Those opposed?

SECRETARY COOPER: One.

CHAIRMAN BALDWIN: Abstention? [No abstentions] Section 4(a) is adopted.

DELEGATE JOHNSON: I move the adoption of section 4(b).

A DELEGATE: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 4(b). Was there a minority report, Madam Chairperson? Was there a minority report?

DELEGATE JOHNSON: No minority report. We did have amending language, we might say, clarifying language presented by Delegate Long.

CHAIRMAN BALDWIN: Delegate Long, do you have--

DELEGATE LONG: I have clarifying language. I thought that the original language did not tell you when to start counting the ten year period. And so this gives

language which says: Years--x years--10 years following the date of adoption of this constitution, then the secretary of state would put this question on the ballot and then thereafter for every succeeding period of the same number of years or another number, if you want to change that number, the same requirement would hold. I thought this just clarified this language somewhat. So, I would move the--

CHAIRMAN BALDWIN: You are very knowledgeable in parliamentary procedures, Delegate Long. Would this be an amendment or a substitute motion?

DELEGATE LONG: This would be a substitute for the whole of section 4(b).

CHAIRMAN BALDWIN: That's what I thought. What you have before you is a substitute motion for 4(b). What's your pleasure?

Is there discussion on the substitute motion?

Having heard none, those in favor of the substitute motion for section 4(b), signify by a show of hands. [Show of hands]

SECRETARY COOPER: Thirteen.

CHAIRMAN BALDWIN: Those opposed? [No hands raised]

Abstention? [No abstentions]

The substitute motion has been adopted and does in

fact replace Section 4(b) presented by the committee.

Delegate Long.

DELEGATE LONG: Mr. President, I would point out that it's still necessary to fill in the blanks here as to whether this is ten years or whatever. I don't know whether we can assume ten or not.

DELEGATE JOHNSON: I move that we do fill in the blanks on the substitute language that has just been passed and that we insert, in keeping with our original section 4(b), the number ten.

CHAIRMAN BALDWIN: Filling in the blanks is very general. We'd like for someone to be very specific and say it to the delegates so we know exactly what's being changed and what's being filled in.

DELEGATE JOHNSON: I'm moving that we insert in the new language, line 1: If within ten years following the date of the adoption of this. And on the last line of the new language: for every succeeding ten-year period.

A DELEGATE: Second.

CHAIRMAN BALDWIN: Delegate Kameny.

DELEGATE KAMENY: I move a substitute motion, 25 years. That's a compromise.

CHAIRMAN BALDWIN: Is there a second for the 25?

A DELEGATE: Second.

CHAIRMAN BALDWIN: It has been seconded.

Those in favor of the primary amended motion of 25 to 10, signify by a show of hands. [Show of hands]

SECRETARY COOPER: Two.

CHAIRMAN BALDWIN: Those opposed?

SECRETARY COOPER: Nineteen.

CHAIRMAN BALDWIN: Now we are back to the original amendment of 10. Those in favor of 10 years, signify by a show of hands. [Show of hands]

SECRETARY COOPER: Twenty.

CHAIRMAN BALDWIN: Those opposed?

SECRETARY COOPER: None.

CHAIRMAN BALDWIN: The section (b) which we have adopted has been filled in. Is that all? Are there other changes? Delegate Johnson, was that the only change that Mr. Long was referring to when he said fill in?

DELEGATE JOHNSON: Yes.

CHAIRMAN BALDWIN: Thank you. So, section 4(b) has been adopted.

DELEGATE KAMENY: May I ask a question as to the interpretation of this? It says after the adoption of this constitution. Does that mean that if we adopt this

constitution in the course of this year but don't ultimately become a state for, let's say, 30 years, that we're still going to have a constitutional convention every ten years from here on out pre-statehood?

DELEGATE JOHNSON: No, it doesn't say that.

DELEGATE NAHIKIAN: This constitution doesn't become effective--

DELEGATE KAMENY: It doesn't say effective. It says adoption.

CHAIRMAN BALDWIN: We are dealing with adopted language, and we will not spend more than one minute discussing what we have already adopted.

DELEGATE GARNER: Conventions propose constitutions. People adopt them.

DELEGATE KAMENY: All right, suppose it's adopted this November on the ballot.

DELEGATE GARNER: If it's adopted and the Congress of the United States gives us statehood, that's adoption, when it goes into effect. That's clearly our understanding, Frank.

CHAIRMAN BALDWIN: Delegate Schrag.

DELEGATE KAMENY: I'm trying to get that on the record because that's important. It's ambiguous otherwise.

DELEGATE GARNER: Fine. Now it's on the record.

DELEGATE SCHRAG: Mr. President.

CHAIRMAN BALDWIN: Delegate Schrag.

DELEGATE SCHRAG: The legal terminology for what the committee is trying to do here is "entry into force." Perhaps by common consent we could change "adoption" to "entry into force of this constitution."

DELEGATE JONES: No.

CHAIRMAN BALDWIN: As long as there is one objection, you know we can't do it by common consent.

DELEGATE SCHRAG: We haven't adopted the section yet; is that correct, Mr. President?

CHAIRMAN BALDWIN: Yes, we have.

DELEGATE JOHNSON: Yes, we have.

DELEGATE SCHRAG: I thought we just adopted ten.

CHAIRMAN BALDWIN: We adopted it. Then they said they wanted to come back and fill in some things that had been left out. You see, the committee could have done that even without bringing it on the floor.

Maybe, Delegate Schrag, if you will explain a little more in detail why you think this committee should--or the body really--should accept this--

DELEGATE SCHRAG: The chairman accepts this, and

the delegates who have discussed this are entirely correct; that if there is a lag of several years between the constitution is ratified by the people this year and the time that we're admitted, you don't want to have a constitutional convention, say, two years after this takes effect. Changing this to "entry into force" would mean that the new constitutional convention will be put on the ballot for consideration ten years after all this starts to happen.

DELEGATE KAMENY: After we become a state.

DELEGATE SCHRAG: After we become a state.

CHAIRMAN BALDWIN: Thank you. We will ask our general counsel, Mr. Thomas, to react to what's being proposed now this is a legal point.

MR. THOMAS: Could you restate the question?

CHAIRMAN BALDWIN: Mr. Schrag, would you restate it.

DELEGATE SCHRAG: The question, Mr. General Counsel, is whether it would be more proper to say--rather than within ten years following the date of adoption of this constitution the following things happen--whether we shouldn't say, "entry into force of this constitution" since the committee's intention is to start timing the ten years from the time the constitution becomes effective.

MR. THOMAS: I would say, "entry into force"

because adoption of the constitution does not necessarily mean the constitution will go into effect right away. It could be years afterwards.

CHAIRMAN BALDWIN: Delegate Jones.

DELEGATE JONES: I have a question to Delegate Schrag: Does entry into force mean when Congress adopts the constitution? Or does it mean the point that the constitution is presented by our representatives to the Congress to be seated to say that we're a state. Or does it mean when the president signs off it and we become a state? I don't like that, and the reason I don't like that is because I have a gut feeling about what it's actually going to mean when it actually gets interpreted and what's going to happen to us as a state.

DELEGATE SCHRAG: It has a very precise legal meaning, Delegate Jones, and that meaning is--

DELEGATE JONES: But I'm not a lawyer. I'm just a person from out of the community. Therefore, entry into force can mean one thing with you and one thing with me. I could be tricked because I don't know.

DELEGATE SCHRAG: I'm putting on the record the precise meaning. The precise meaning, Delegate Jones, is the moment that the constitution takes legal effect. That is--

and that would be specified in the article on transition--that is, if Congress says, "You are a state as of January 2, 1984," then that's the moment of entry into force. In other words, it's the precise date that our Bill of Rights goes into effect; the precise date that all the provisions of the Constitution go into effect.

DELEGATE KAMENY: That we become a state.

DELEGATE SCHRAG: That we become a state.

DELEGATE JOHNSON: I accept that.

DELEGATE SCHRAG: You may recall, Delegate Jones, that in the Statehood Admissions Act of the State of Alaska the Congress provided that the state of Alaska shall become a state and its constitution shall go into effect at such and such a date after certain procedural steps had been taken, after the president had certified this and that and the governor had certified this and that. That is the moment of the entry into force of the Alaska constitution.

CHAIRMAN BALDWIN: Delegate Jones.

DELEGATE JONES: Yes. The reason that I'm still in a quandary was because Alaska did not become a state--and I read this very carefully--until their representatives presented their constitution to the Congress of the United States and they said, "Gentlemen," or whoever, "you are

seated." Now, that is what it said. And that's the reason why I asked you the question because people like me who just come out of the community, we don't understand what you mean. And that thing has the meaning--it's like the witches when they were saying certain things, you know, all those double meanings. We'd be the ones boiling in the pots. [Laughter]

CHAIRMAN BALDWIN: Delegate Jones, is it clear?

DELEGATE JONES: No, it's not. No, it's not.

CHAIRMAN BALDWIN: What we will do--

DELEGATE JONES: I'll leave it alone for the moment.

CHAIRMAN BALDWIN: Okay. Section 4(c).

DELEGATE JOHNSON: Well, I don't think we resolved that issue.

CHAIRMAN BALDWIN: It has been resolved, Delegate Johnson. She said that she would leave it alone for the time being.

DELEGATE JOHNSON: Well, it hasn't been resolved for me.

CHAIRMAN BALDWIN: Well, okay, the chair will rule. The chair will rule. Further discussion on this, we will ask our general counsel to give us an opinion, which will be referred to style and drafting. The only issue is whether or

not you change "adoption" for that phrase he gave. We have a general counsel. And when he comes back for the reading, that's considered a minor change. We would then act on it at that point.

4(c), please.

General Counsel, did you understand that you give us an opinion?

MR. THOMAS: Yes, yes, I do.

CHAIRMAN BALDWIN: It would then go to style and drafting. When they bring it back, it's a matter of substituting a word, "adopt," by the phrase he gave.

DELEGATE JOHNSON: I move the adoption of section 4(c).

DELEGATE THOMAS: Second.

CHAIRMAN BALDWIN: The adoption of 4(c) is on the floor. Discussion.

DELEGATE THOMAS: Call for the question, Mr. President.

A DELEGATE: Second.

CHAIRMAN BALDWIN: The question has been called for. Those in favor of--

DELEGATE JONES: Excuse me.

CHAIRMAN BALDWIN: Yes, Delegate Jones.

DELEGATE JONES: Before we cut off debate, our general counsel has handed out a memorandum to us that speaks to some questions for section 4. And I wish he would speak to it himself and let us understand exactly what we should or should not be doing.

CHAIRMAN BALDWIN: Thank you.

Mr. Thomas? Mr. Thomas, try and deal with present and future action. Don't deal with what we have already acted on. We are now at 4(c)--4(c) and 4(d).

MR. THOMAS: My comment on that was that after a reading of this, it appeared that the substance of paragraphs (c) and (d) and the second sentence of paragraph (a), which we've already apparently voted on, should follow, and that paragraph (c) and (d) specifically should be expanded upon. For instance, either there should be a provision that the legislature shall enact legislation governing constitutional conventions or that the details should be specified in this article. And I have listed some questions.

Yes, Ms. Nahikian.

DELEGATE NAHIKIAN: Aren't your concerns taken care of with section 7?--because I asked the same thing, and then I noticed that section 7 was there, which does allow enabling legislation to take care of those details.

MR. THOMAS: This article shall be self-executing, but enabling legislation may be enacted by the legislature as required.

That would seem to take care of it to some extent. That would probably be done.

DELEGATE THOMAS: Call the question.

CHAIRMAN BALDWIN: The question has been called for. Those in favor of adopting section 4(c), show of hands. [Show of hands]

SECRETARY COOPER: Nineteen.

CHAIRMAN BALDWIN: Those opposed, show of hands. [Show of hands]

SECRETARY COOPER: Three.

CHAIRMAN BALDWIN: Abstentions. [One abstention] Section 4(d), please.

DELEGATE JOHNSON: I move the adoption of section 4(d).

A DELEGATE: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 4(d). Discussion.

DELEGATE ROTHSCHILD: I have a question on 4(d). Did the committee consider the overall number of delegates that would be desirable if they want equal numbers from each

legislative district?

DELEGATE GRAHAM: Mr. Chair.

CHAIRMAN BALDWIN: Delegate Graham.

DELEGATE GRAHAM: We did consider it, but we did not know how many legislative districts we were going to have. So, we couldn't be specific in it, sir.

CHAIRMAN BALDWIN: Delegate Talmadge Moore.

DELEGATE T. MOORE: Yes. I wanted to amend the last line, 48, with a comma after "district," and I wanted to amend it to say, "as provided by law."

A DELEGATE: Second.

DELEGATE T. MOORE: And it reads as follows: An equal number of delegates shall be elected to the constitutional convention from each legislative district, comma, as provided by law.

CHAIRMAN BALDWIN: Was there a second?

DELEGATE NAHIKIAN: I seconded.

DELEGATE MARCUS: I have a question of the maker of the motion.

CHAIRMAN BALDWIN: Delegate Marcus.

DELEGATE MARCUS: What does that add, Delegate Moore? Why is that necessary? It's part of the whole process.

CHAIRMAN BALDWIN: Delegate Johnson.

DELEGATE JOHNSON: Delegate Talmadge Moore, I would suggest that you look over on the next page for section 7. That might clarify your concern, and therefore you might wish to withdraw your motion.

DELEGATE T. MOORE: Yes, I withdraw it.

CHAIRMAN BALDWIN: The amendment has been withdrawn. Further discussion on section 4(d)? Delegate Robinson.

DELEGATE ROBINSON: I have a question on 4(d). An equal number of delegates shall be elected to the constitutional convention from each legislative district. My question is: Would the delegates in any way be limited--limited in any way to any specific subjects? Or would the constitutional convention consider all questions brought before them?

DELEGATE GARNER: We did not specify any limitations. If the enabling legislation enacted by the legislature provides for that or if the initiative calling for the convention provides for that, then it will be so limited. But if it doesn't limit it, then it will not be. That is decided by law. This constitution does not say it must or must not be limited.

DELEGATE ROBINSON: Before you walk away, would it

not be within the concern of this convention to ensure that, one, the constitutional conventions are open?

DELEGATE GARNER: We chose not to limit it or to require that it be wide open. You may want to call for a constitutional convention that only deals with one issue. That's maybe what you want to do. Or only two issues. And not leave it wide open. And that's something we leave up to the people to propose calling for a constitutional convention.

CHAIRMAN BALDWIN: Is there further discussion?

DELEGATE THOMAS: Call the question.

A DELEGATE: Second.

CHAIRMAN BALDWIN: The question has been called for, and we'll call for questions by consensus unless someone objects.

DELEGATE NAHIKIAN: Consensus.

CHAIRMAN BALDWIN: By consensus. Those in favor of adopting section 4(d), signify by saying, "Yes." [Response]

Opposed is "Nay." [Silence]

So ordered. Section (d) has been adopted.

DELEGATE JOHNSON: I move the adoption of all of section 4 as amended.

A DELEGATE: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt all of section 4 as amended. Those in favor, signify by saying "Yes." [Response]

Opposed is "Nay." [Silence]

Abstentions? [No abstentions]

Section 4 has been adopted.

Section 5.

DELEGATE JOHNSON: I move the adoption of section 5, Conflicting Amendments.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 5 as amended. Discussion? Delegate Jackson.

DELEGATE JACKSON: Yes, sir, I'd like to amend this, a simple amendment to this because I think the language is confusing with the word "submitted." So, I would like to amend it to say, instead of "submitted to the voters," "adopted by the voters." Then I will explain why I'd use that language.

DELEGATE SCHRAG: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we delete "submitted" and insert "adopted."

DELEGATE JOHNSON: Adopted by.

DELEGATE JACKSON: Adopted by the voters.

And I'm not going to offend anyone on the committee, but it's poorly worded. And I don't care where it came from. Adopted means--submitted can mean anything. Adopted means you must have a majority of 50 percent of anything. Nothing can be adopted, an amendment, unless it has at least 50 percent. But the wording here can be confusing. So, if you use the word "adopted," that means that out of those adopted the ones that got the largest number out of all those adopted would be the ones which would pass. And I think that would clear up the pagaraph and reflect my concerns that I asked before.

DELEGATE JOHNSON: Delegate Jackson, I will say that you've changed the meaning.

DELEGATE JACKSON: I know I've changed it.

DELEGATE JOHNSON: Adopted by and submitted to don't have the same meaning, and we adopted what we, in our opinion, thought was the best was to put it. So, we don't say it's poorly worded; it's differently worded, from what you're suggesting.

DELEGATE JACKSON: Well, I used the word I thought was best.

CHAIRMAN BALDWIN: I think probably what we should

do--because I see a lot of expressions on delegates' faces--I'm sure they don't understand it. I don't understand it. Give some examples of what you mean by conflicting amendments. That would determine, I guess, whether you're going to use "submitted" or "adopted." I was talking to the chairperson. I'd just like some examples.

DELEGATE GARNER: I think the concern of Delegate Jackson is a good concern. It could be interpreted the way we originally wrote it--delegates, if I could have your attention--that any two amendments proposed to the constitution submitted--let's say one of them gets 20 percent of the vote and the other one gets 25 percent. It's not clear in this language that we have written that it could be that the one with only 25 percent is adopted because it gets the greatest number of votes. And I think the concern is if two issues are put on the ballot at the same time, both of them pass, but they are conflicting, how do you handle it? And our intention, and I believe the intention of Delegate Jackson's language is to make it clear, that they both pass. The one that passes with the greatest number of votes is the that's adopted. And I don't believe there's a substantive difference in what's being proposed. It's a question of which language is clearer.

CHAIRMAN BALDWIN: Delegate Jackson, are you for still leaving it in?

DELEGATE JACKSON: Yes, sir, I think it should be left in for the reason I explained. And of course there is a difference between the words "submitted" and "adopted," and adopted is the best language.

CHAIRMAN BALDWIN: Delegate Jackson would still like to have his amendment in, which would read "adopted" instead of "submitted."

DELEGATE JACKSON: Adopted by the voters. Adopted by the voters.

CHAIRMAN BALDWIN: Adopted by the voters. Delegate Cooper.

SECRETARY COOPER: Yes, I'd like to speak in favor of the amendment because I think between the words "submitted" and "adopted" it is substantively different. And I think if we left it as such, there could be a great deal of conflict, as Delegate Garner pointed out. And I would think that that would have been the intent of the committee anyway, that it be whatever measures were adopted. That's what I'm assuming. I could be wrong.

CHAIRMAN BALDWIN: Does the committee accept the new language?

DELEGATE JOHNSON: Yes.

CHAIRMAN BALDWIN: Okay, the committee has accepted the new language.

DELEGATE JOHNSON: We have a comment here from Delegate Jones.

CHAIRMAN BALDWIN: Delegate Rothschild.

DELEGATE ROTHSCHILD: It says should there be conflicting amendments--now it says adopted by the voters at the same election. But the thing is the second part of that actually explains which one is adopted. In other words, they are both submitted, but they are not both adopted.

CHAIRMAN BALDWIN: Will the committee be quiet, please. I can only listen to one at once. Our rule is we we only hear from one committee person. Delegate Mason. Delegate Mason. [Rapping gavel] Delegate Mason.

DELEGATE C. MASON: Let me try to clarify. At a particular election we will say three different initiatives are submitted to the voters. They're not exactly alike, although there's some overlapping in what they deal with. Numbers one and three are adopted by the voters, get a majority. Number two is killed; so, forget about it. Now, we'll say that section 3 of number one is slightly in conflict with section 7 of number three. With respect to that

particular issue where there is a conflict, the section of the initiative that has received the higher majority will prevail over the others.

DELEGATE ROTHSCHILD: Thank you.

A DELEGATE: Call the question.

CHAIRMAN BALDWIN: The question has been called for. Those in favor of terminating debate, signify by saying, "Yes." [Response]

Opposed is "Nay." [Silence]

So ordered. Will you read the amendment, please, so we can vote on it.

SECRETARY COOPER: The amendment as offered by Delegate Jackson would substitute on line 50--this is in section 5--would substitute the word "adopted" where the word "submitted" currently appears.

CHAIRMAN BALDWIN: "Adopted by the voters." Those in favor of the Jackson amendment, signify by a show of hands. [Show of hands]

SECRETARY COOPER: Twenty.

CHAIRMAN BALDWIN: Those opposed? [Show of hands]

SECRETARY COOPER: Three.

CHAIRMAN BALDWIN: Abstention?

SECRETARY COOPER: Two.

CHAIRMAN BALDWIN: The amendment has been adopted.

DELEGATE GRAHAM: I'd like to hear that read, please.

CHAIRMAN BALDWIN: Thank you. Mr. Secretary, would you read it for Delegate Graham.

SECRETARY COOPER: Twenty in favor--

CHAIRMAN BALDWIN: No, she means the amendment.

DELEGATE GRAHAM: I mean how it will read.

SECRETARY COOPER: It will read: Should there be conflicting amendments adopted by the voters at the same election, comma, the measure receiving the greatest majority shall prevail.

DELEGATE GRAHAM: Thank you.

DELEGATE B. MOORE: Call the question.

CHAIRMAN BALDWIN: The question has been called for. Those in favor, signify by saying, "Yes." [Response]

Those opposed, "Nay." [Silence]

Which we have added anyway. That was just clarification. What are you on, section 5?

DELEGATE JOHNSON: I move the adoption of section 6, Disapproval of Amendments.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly

seconded that we adopt section 6. Discussion? Discussion? Discussion? Having heard none, those in favor of adopting section 6, signify by saying, "Yes." [Response]

Those opposed, "Nay." [Silence]

Abstention? [No abstentions]

Section 6 has been adopted.

Section 7.

DELEGATE JOHNSON: I move the adoption of section 7, Enabling Legislation.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt section 7. Discussion? Discussion? Discussion? Those in favor of adopting section 7, signify by saying, "Yes." [Response]

Opposed is "Nay." [Silence]

Section 7 has been adopted.

The chair will now entertain a motion to adopt the committee's report, which would include five articles.

DELEGATE JOHNSON: Well, this article first.

CHAIRMAN BALDWIN: This article first. Okay.

DELEGATE JOHNSON: I move the adoption of the article on constitutional amendment and revision.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we adopt the article on constitutional amendment and revision, as amended. Discussion? Delegate Garner.

DELEGATE GARNER: I earlier threatened to add a new amendment concerning adoption of U.S. constitutional amendments. If we do nothing, it will be as I have proposed. So, I have not raised that amendment. The legislature shall provide provisions for the adoption of U.S. constitutional amendments. But it could have been put in the constitution.

CHAIRMAN BALDWIN: Any other unreadiness?

Those in favor of adopting the article, signify by saying, "Yes." [Response]

Those opposed, "Nay." [Silence]

Abstention? [No abstentions]

The article was adopted. [Cheers, applause]

DELEGATE JOHNSON: I sincerely thank the members of this committee for their very, very fine work.

DELEGATE THOMAS: Mr. Chairman.

CHAIRMAN BALDWIN: Yes, Delegate Thomas.

DELEGATE THOMAS: Mr. Chairman, I would like to make a statement on behalf of Brian Moore that we are very happy to have him on this side of the aisle [laughter], and that only in America that this could happen. [Laughter]

CHAIRMAN BALDWIN: Thank you. I'll pick up on another hand. Delegate Nahikian.

DELEGATE NAHIKIAN: Yes, Mr. President or Mr. Vice President, do we proceed now with reading of the article on intergovernmental relations?

CHAIRMAN BALDWIN: I was about to state what the next item would be. Delegate Robinson.

DELEGATE ROBINSON: Mr. President, I was wondering since adoption of the article has been completed, will there be a pause for some new business?

CHAIRMAN BALDWIN: I had planned to move into the next article. But if you have some minor business that you think could be taken care of in a couple of minutes, the chair will entertain it.

DELEGATE ROBINSON: Yes, sir, thank you. Thank you very much.

CHAIRMAN BALDWIN: Delegate Robinson.

DELEGATE ROBINSON: Mr. President, fellow delegates, may I please have your attention. Mr. President and fellow delegates, time is truly of the essence. We are caught up by old man time, and I'm here this morning to suggest and to move that on Friday and Saturday--Friday and Saturday--that this body meet on Friday from 10:00 a.m. to 10:00 p.m., and

on Saturday from 10:00 a.m. to 5:00 p.m. Can I get a second?

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: Discussion.

SECRETARY COOPER: I just want to know, Mr. Robinson, if that is intended only for this Friday and next Saturday or for all the succeeding Fridays and Saturdays.

DELEGATE ROBINSON: May I please say that the discussion period now should open up, and there may be some amendments to the original motion because we may need to meet some additional time during the a.m. in order to accomplish what we need to accomplish.

SECRETARY COOPER: I just wanted some clarification on what your motion was, if the intent was--

DELEGATE ROBINSON: My motion was specifically, sir, for Friday and Saturday of next week.

CHAIRMAN BALDWIN: Delegate Graham, Delegate Jackson, Delegate Marcus.

DELEGATE GRAHAM: Mr. President and members of the convention, I believe that if we are going to meet at 10:00 on Friday, I would like to amend that that we are going to meet at 8:30 on Friday--because we go to our jobs anyway. And if I'm going to have to wait until 10:00 o'clock to get here, I may not get here till 12:00.

CHAIRMAN BALDWIN: Is the amendment for 8:30 instead of 9:00?

DELEGATE GRAHAM: 8:30 for Friday.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that the motion that's on the floor be amended from 8:30 to 9:00. Those in favor--

SECRETARY COOPER: 8:30 to 9:00?

CHAIRMAN BALDWIN: 8:30 instead of 9:00?

SECRETARY COOPER: 8:30 instead of 10:00.

CHAIRMAN BALDWIN: 8:30 instead of 10:00, I've been informed.

DELEGATE ROBINSON: Right. That's the amendment to the original motion.

CHAIRMAN BALDWIN: That's the amendment. Let's see a show of hands for the earlier time. [Show of hands]

DELEGATE ROBINSON: All in favor of the earlier time, 8:30. [Show of hands]

A DELEGATE: Would you repeat the motion.

DELEGATE ROBINSON: The motion is that on Friday of next week that this body meet from 8:30 a.m. to approximately 10:00 p.m. Friday night in order to accomplish the task that's before us.

SECRETARY COOPER: And Saturday.

DELEGATE ROBINSON: And Saturday. However, Saturday's starting time has not been affirmed at this moment. We are trying to affirm only Friday's starting time.

DELEGATE JACKSON: A point of order, a point of information in this.

CHAIRMAN BALDWIN: Sure.

DELEGATE JACKSON: You see, my only question would be this: If we have 23 people here, if 12 people are for this and 11 people are against it, I would assume that those 11 who are against it cannot come here. I don't know about the people who are not here today. But I don't know which way they think or not. So, I don't know if Mr. Robinson or Mrs. Graham spoke to people to find out if in fact they would come who otherwise would do like we did this morning, where I was here at 9:00 o'clock. Many, including those who put forth these motion, were not here. No offense to them. And I don't want to waste my time because, I'll tell you, once you're here at night, you know. So, I want to make sure.

CHAIRMAN BALDWIN: [Rapping gavel] Delegate Jackson's point is well taken. Delegate Marcus and then Delegate Simmons.

DELEGATE MARCUS: I have a simple question. Does the chair of the rules committee know in what order we are still proceeding? We are now at local government; is that correct?

CHAIRMAN BALDWIN: Yes.

SECRETARY COOPER: That is not speaking to the motion.

DELEGATE MARCUS: Intergovernmental relations, which is part the local government/intergovernmental relations transition. And what follows what?

CHAIRMAN BALDWIN: Legislature follows that. And there will be--I'm sure what you're seeking, whether or not we'll have an article ready. The answer is yes.

DELEGATE ROBINSON: Mr. Chair, may I please also share with the convention some information that was passed on to me this morning? And that information is that the City Council will not be able to meet and consider any extension until the 25th of the month. So, it behooves us to move as expeditiously as we can in terms of meeting the deadline that's already in front of us.

CHAIRMAN BALDWIN: Delegate Simmons.

DELEGATE SIMMONS: Yes.

CHAIRMAN BALDWIN: Delegate Barnes and Garner, and

that's it.

DELEGATE SIMMONS: I know that Delegate Robinson took a survey some time ago that reflected that people were available from 1:00 o'clock until 6:00. We then proceeded to set up our time, and we find ourselves at this point behind because what prevailed was in the absence of the data base that Delegate Robinson has given us. I therefore raise the question that Delegate Jackson raises. We have 23 people who are committed in fact to be present at 8:30 on Friday and whatever the date is on Saturday. And, barring that, we're engaged in an esoteric exercise. We can't have people voting or taking sides when they have no intention of committing themselves to fulfilling it.

CHAIRMAN BALDWIN: Thank you. Point is well taken. Delegate Barnes and Garner, and that will be the end of the discussion.

DELEGATE BARNES: Yes, this discussion is on Friday only?

DELEGATE ROBINSON: Friday only, yes.

CHAIRMAN BALDWIN: Friday only.

DELEGATE BARNES: I would like to be heard when the discussion concerns Saturday.

CHAIRMAN BALDWIN: Delegate Garner.

DELEGATE GARNER: I believe the motion on the floor is the motion by Delegate Graham?

DELEGATE ROBINSON: The substitute motion, right.

DELEGATE GARNER: I share the concerns of Delegate Simmons and Delegate Jackson about expanding the time. My concern is essentially this; the work will expand to fill the time provided for it. This convention can get its work done if it moves expeditiously during its plenary sessions and if the delegates read the material before they come and do not make amendments to amendments on every section. We don't need more time. We need more discipline. I urge you not to vote because people will not be here on Friday to meet our regular schedule to get our work done at that time.

CHAIRMAN BALDWIN: Delegate Thomas.

DELEGATE THOMAS: I'm not against the motion, Mr. Chairman, but I cannot be here next Friday or Saturday at that time.

CHAIRMAN BALDWIN: Delegate Mason and then Delegate Corn and Rothschild, and we will terminate debate and move into our next article.

DELEGATE C. MASON: The time is short before the expiration of the 90-day period. And the thought of the maker of this motion--which I think is a good one--is that

when some of the people who have regular employment will have to take leave some time. And it would be easier to take leave once, for one whole day, and work that whole day than to take little pieces of leave here and there. And most people with jobs probably could take one day's leave if they have a week's or approximately a week's advance notice. They couldn't take it if we decided the night before.

So, the object of this proposal is to get a whole long period of time consecutively when we can work and catch up with the least possible difficulty for those people and their jobs. In other words, ask for one day's leave and then work that whole day from early in the morning until late at night.

I would also say that it is discouraging for people who come to attend a meeting to find very few people here and have to sit around and wait for it to begin. I will point out at this space of the table beside me was Hilda Mason. She was here close to 9:00 o'clock. When there was not a quorum by 10:00, she went to the UDC graduation. She said she was prepared to be here to work. But when there was no quorum by 10:00 o'clock, she went to the graduation and said she would return.

CHAIRMAN BALDWIN: Delegate Corn and Delegate

Rothschild will be the last two speakers.

DELEGATE CORN: I would like to be realistic. I am not a morning person. I had the greatest of intentions of getting here this morning. Delegate Schrag called me three times to wake me. I therefore would move a substitute that we meet from 10:00 a.m. till 11:00 p.m.

DELEGATE SCHRAG: Point of order. There's a substitute on the floor. It's out of order.

DELEGATE CORN: All right. I would speak against 8:30.

CHAIRMAN BALDWIN: Delegate Rothschild.

DELEGATE ROTHSCHILD: I would speak in favor of 8:30, the reason being we are pressed for time. As we get more pressed for time, there's going to be more pressure not to have any diversity and just keep on the track and sort of exclude any type of minority opinion. One of the delegates brought a motion to table a motion last night. It was actually out of order.

CHAIRMAN BALDWIN: You're not speaking to the issue, please. Those in favor of the amendment--

DELEGATE ROTHSCHILD: I am speaking to the issue.

CHAIRMAN BALDWIN: No, you are not speaking to the issue. You chose to ingore the chair. So, the chair has a

right to move on.

DELEGATE ROTHSCHILD: I was speaking in favor of 8:30, sir.

CHAIRMAN BALDWIN: Those in favor of the amended motion--

DELEGATE ROTHSCHILD: I challenge the chair.

DELEGATE CORN: Second.

CHAIRMAN BALDWIN: The chair has been challenged. Those in favor of supporting the chair, signify by raising your hands.

DELEGATE CORN: Point of order.

A DELEGATE: Call for the question, Mr. Chairman.

DELEGATE CORN: Point of order.

CHAIRMAN BALDWIN: The chair has been challenged and according to the rules, we must vote. Delegate Corn and Delegate Rothschild, you're out of order. You're out of order--

DELEGATE ROTHSCHILD: Mr. President, you are allowed to speak towards your motion to challenge the chair, and I want to speak towards that motion.

CHAIRMAN BALDWIN: You've already spoken to it.

DELEGATE ROTHSCHILD: No, I have not.

CHAIRMAN BALDWIN: The only thing left is for the

chair to defend his position.

DELEGATE ROTHSCHILD: No, I have not.

CHAIRMAN BALDWIN: Those in favor of supporting the chair, signify by a show of hands, a show of hands. [Show of hands]

Those opposed? Those opposed? [Show of hands]

The chair was sustained. The chair has been sustained. The next item and the next point of discussion is to deal with the amended motion. And that is that we shall convene next Friday at 8:30 a.m. That's what we're voting on. Those in favor of beginning our session next Friday at 8:30 a.m., let's signify by a show of hands. [Show of hands]

SECRETARY COOPER: Eleven.

DELEGATE SIMMONS: I'd like to see them actually put names because I think to vote for this is a personal commitment, not a cognitive,, diffident kind of thing.

SECRETARY COOPER: Are you asking for a roll call?

DELEGATE SIMMONS: No, I'm not asking for a roll call.

SECRETARY COOPER: If you want a roll call, I'll do a roll call, but I'm not writing their names.

CHAIRMAN BALDWIN: Okay, may we see a show of hands for those for the 8:30 meeting?

SECRETARY COOPER: Nine.

CHAIRMAN BALDWIN: Those opposed? [Show of hands]

SECRETARY COOPER: Eight.

CHAIRMAN BALDWIN: The Friday morning meeting will convene at 8:30.

Abstention, I'm sorry. Abstention?

SECRETARY COOPER: Three.

DELEGATE ROTHSCHILD: Point of order, sir. I would like to again raise the question that your--

CHAIRMAN BALDWIN: State your point of order, please.

DELEGATE ROTHSCHILD: My point of order is that I challenge the chair. I have a right to speak to that challenge. I was not given that right. I was speaking to a motion. The chair did not ask me how that relates to the motion. You interrupted my speech. You did not ask me what my reasons were for how I was speaking to the motion. And I think it's outrageous that you would give that disrespect to our procedure. And whether or not the other delegates agree, it's a disrespect to ourselves to do that. If you can't take minority opinions, then you should have fucking started earlier!

DELEGATE CROFT: Point of personal privilege,

Mr. Chair.

CHAIRMAN BALDWIN: Delegate Croft.

DELEGATE CROFT: Point of personal privilege. Delegate Rothschild, can you control your behavior?

DELEGATE ROTHSCHILD: I will control my behavior when I am given the same respect that other delegates in this convention are given.

DELEGATE CROFT: And would you apologize to the podium for your profanity here.

DELEGATE ROTHSCHILD: I will explain myself.

DELEGATE CROFT. Will you apologize for your profanity.

DELEGATE ROTHSCHILD: I will explain myself.

CHAIRMAN BALDWIN: Delegate Croft is within his rights. He asked, Would you apologize?

DELEGATE ROTHSCHILD: I will explain myself.

CHAIRMAN BALDWIN: Either yes or no.

DELEGATE ROBINSON: Apologize.

CHAIRMAN BALDWIN: Delegate Robinson, will you proceed, please.

DELEGATE ROTHSCHILD: May I explain myself?

CHAIRMAN BALDWIN: No, you may not. You do not have the floor. You do not have the floor [rapping gavel].

Delegate Robinson.

DELEGATE ROBINSON: Thank you. The second part to the original motion was to meet on Saturday of next week from 10:00 a.m. to 5:00 p.m. Mr. Chair, I question if this building will be open at that time, 5:00 p.m.

CHAIRMAN BALDWIN: A very good point.

Mr. Robinson, I have been informed by three delegates that it would be open.

DELEGATE ROBINSON: Okay. So, the second part of the motion then is for us to meet on Saturday from 10:00 a.m. to 5:00 p.m.

DELEGATE NAHIKIAN: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that the Saturday meeting would be from 10:00 a.m to 5:00, which is already on the floor. But there has been quite a bit of discussion prior to this. Now we are discussing the Saturday meeting, 10:00 a.m. to 10:00?

SECRETARY COOPER: 10:00 a.m. to 5:00.

CHAIRMAN BALDWIN: 10:00 to 5:00.

SECRETARY COOPER: May I rise on a point of personal privilege?

CHAIRMAN BALDWIN: A point of personal privilege has been called for, which takes precedence. So, we have to

listen to him first. Delegate Cooper.

SECRETARY COOPER: I'd just like to state and kind of plead that because we did vote to meet here Friday, 8:30 to 10:00--and there's a possibility we will meet here Saturday from 10:00 to 5:00--let's try to get here on time because during the first two weeks of the second reading, we have lost somewhere between 18 and 20 hours because of us not starting on time. And that's a significant chunk of time in which we could have heard at least two articles. [Applause]

CHAIRMAN BALDWIN: Delegate Simmons, Holmes, and Barnes.

DELEGATE SIMMONS: I concur with what Delegate Cooper said, but I question that that was a point of personal privilege.

Mr. President, for us to take action based on what three delegates--you know, the information from three delegates--I do not feel comfortable with that. If the executive secretary doesn't know, the president doesn't know, I'm not happy with taking action that three delegates--why do they have more intelligence on the availability of this building than would the people that we are paying and that we have given them trust to pursue administrative

responsibility.

CHAIRMAN BALDWIN: The president is on the floor. Delegate Cassell? Delegate Cassell?

PRESIDENT CASSELL: Speaking.

CHAIRMAN BALDWIN: Do you know whether or not we have the use of this facility next Saturday until 5:00?

PRESIDENT CASSELL: We do.

CHAIRMAN BALDWIN: The usual cutoff time is 2:00.

PRESIDENT CASSELL: The option is ours.

CHAIRMAN BALDWIN: Thank you. Delegate Holmes.

DELEGATE HOLMES: I wanted to say that, you know, when you stay here until 10:00 or 11:00 o'clock on Friday, and you've been here five days a week, you're drained by the time for you to get up on Saturday morning, although I have to get up at 5:30 and I never get back to bed. I think that if these people in here have been going straight days, they are drained. And there should be some provisions put on them for a Saturday morning. Now, I do my best, but I'm getting very, very tired.

CHAIRMAN BALDWIN: Point well taken. Delegate Barnes.

DELEGATE BARNES: Yes. I question whether the 8:30 to 10:00--8:30 a.m. to 10:00 p.m. meeting is practical.

CHAIRMAN BALDWIN: I think we're speaking to Saturday.

DELEGATE BARNES: I'm speaking of Saturday.

CHAIRMAN BALDWIN: They didn't say 8:30 for Saturday. Just a second, Delegate Barnes. Do you understand what the beginning time is supposed to be, what the motion says for Saturday? 10:00 o'clock, not 8:30.

DELEGATE BARNES: I'd like to move that we meet from 9:00 to 6:00 on Saturday because I know that Howard University Law School is available. On that basis I'd like to make this motion.

A DELEGATE: Second.

CHAIRMAN BALDWIN: Not beyond 5:00. So, your motion would be out of order. The building will not be available to us beyond 5:00 o'clock.

DELEGATE BARNES: Howard University Law School.

CHAIRMAN BALDWIN: Pardon?

DELEGATE BARNES: Howard University Law School. I'm changing the location.

CHAIRMAN BALDWIN: Oh, the delegate is now changing the location, at Howard University. Has anyone, Delegate Barnes--have you gotten permission to use that facility?

DELEGATE BARNES: Yes.

DELEGATE BARNES: It is available to us next Saturday.

CHAIRMAN BALDWIN: Okay.

DELEGATE BARNES: From 9:00 to 6:00. I know that definitely.

CHAIRMAN BALDWIN: Discussion on the substitute motion by Delegate Barnes, from 9:00 to 6:00 at Howard University Law School. Delegate Mason.

DELEGATE C. MASON: Howard University Law School is near the Metro and easy to get to. But I see no reason in changing location to gain just one hour, from 5:00 to 6:00. If there were any other advantage in going to Howard, okay. But this is our regular meeting place. We are assured that we can use it until 5:00. Is it worth moving to Howard to gain one hour at the closing time? I don't answer that question. I'm merely asking it.

CHAIRMAN BALDWIN: Delegate Holmes.

DELEGATE HOLMES: Clarification. I thought that the rules said that we had to get a ruling from the executive committee before we could move this convention somewhere else. And then everything is here. The staff is here and everything.

CHAIRMAN BALDWIN: Delegate Holmes is exactly right,

Delegate Barnes. So, I must declare that motion out of order. She is right within our rules.

Yes.

DELEGATE ROBINSON: May I move the previous question?

A DELEGATE: Second.

CHAIRMAN BALDWIN: The previous question has been called for. Those in favor of terminating debate, signify by saying, "Aye." [Response]

Opposed is "Nay." [Silence]

Therefore, we are voting on the following amendment: 10:00 to 5:00 on Saturday at the convention hall. Those in favor, signify by a show of hands. [Show of hands]

SECRETARY COOPER: Sixteen.

CHAIRMAN BALDWIN: Those opposed, show of hands. [One hand raised]

SECRETARY COOPER: One.

CHAIRMAN BALDWIN: Abstention, show of hands.

SECRETARY COOPER: Two, three.

CHAIRMAN BALDWIN: Thank you.

The next article that this body--

DELEGATE CORN: May I make an announcement?

CHAIRMAN BALDWIN: [Rapping gavel] No, you may not.

Announcement is not in order--

DELEGATE CORN: On style and drafting.

CHAIRMAN BALDWIN: Announcement is not in order at this time, please. Delegate Johnson.

DELEGATE JOHNSON: I would like to make a motion in regard to another option that goes along with Delegate Robinson's other proposals. He gave us two options. I'd like to introduce a motion on another option.

CHAIRMAN BALDWIN: [Rapping gavel] We do have a guest speaker. We have a committee sitting here. Your point can be brought on the floor--

DELEGATE JOHNSON: I understand, but as far as I'm concerned we haven't finished the business yet. I would like to introduce something else. I would like to move that in view of our--all previous things that have been said about our need for additional working hours, that we try to find our or secure space to work on Sunday from 12:00 p.m. until 6:00 p.m.

SEVERAL DELEGATES: Second.

CHAIRMAN BALDWIN: It has been moved and properly seconded that we look into and see if we can secure space on Sunday from 12:00 to what?

DELEGATE JOHNSON: 12:00 p.m. to 6:00 p.m.

CHAIRMAN BALDWIN: From 12:00 to 6:00 p.m. Sunday.

DELEGATE SCHRAG: Mr. President.

CHAIRMAN BALDWIN: Delegate Schrag.

DELEGATE SCHRAG: I heard Delegate Johnson say that that was in lieu of of what we've just agreed.

DELEGATE CORN: No.

CHAIRMAN BALDWIN: Delegate Corn, will you--

DELEGATE SCHRAG: May I have a clarification whether you're proposing in lieu of Friday and Saturday or in addition to?

DELEGATE JOHNSON: In addition to.

DELEGATE CORN: Second.

CHAIRMAN BALDWIN: Delegate Cooper.

SECRETARY COOPER: Fellow delegates, I would like speak against that motion mainly because I would not vote for a motion for us to hold any meetings on Sunday. Therefore, I would vote against this motion that Delegate Johnson has set forth for us to even investigate it. I think that would be a waste of the executive committee's time to investigate a motion that has already been expressed by several, several delegates that they do not desire to meet on Sunday. We're already meeting six days a week. And as was expressed before, we're totally, totally drained. To

carry that out to a seventh day I think would be absurd.

CHAIRMAN BALDWIN: That's one against. The chair is going to entertain the rule of two, which will be two for and two against, and then we're going to vote. Delegate Barnes, will yours be for or against?

DELEGATE BARNES: I'm for.

CHAIRMAN BALDWIN: Speak up, please.

DELEGATE BARNES: I think that we need to have as many options as possible as we approach the 11th hour of this convention. I know for a fact that we have almost a complete chance of getting Howard University for Sunday. So, I support Delegate Johnson's motion, and we can cancel the meeting if it seems as though we can't get enough people.

CHAIRMAN BALDWIN: Thank you. Your point is over. We have those for the motion, Delegate Corn, Delegate Johnson, and Delegate Barnes. That's three or four. We have one against. The chair will entertain one more that's against, and then we're going to vote. Delegate Jackson, are you against?

DELEGATE CORN: I never spoke for it. Point of order.

CHAIRMAN BALDWIN: You say you second it. Okay, we still have two delegates. Delete Delegate Corn. We have

two, Delegate Johnson and Delegate Barnes.

DELEGATE EICHHORN: Point of information, Mr. Chair.

CHAIRMAN BALDWIN: We have one against, and we are now seeking one other person who would be against so we can apply the rule of two.

Just one second, a point of information has been called for.

DELEGATE EICHHORN: Since the question has not been called, I wonder why you are limiting it to two. I would like to speak for the motion.

CHAIRMAN BALDWIN: The chair has that right to do that. That's within our rules, I know.

DELEGATE EICHHORN: I would like to speak for the motion, and I wondered on what basis the limitation to two--

CHAIRMAN BALDWIN: Number one, so we could expedite time. We told at the beginning that we'd put a limit on them bringing it to the floor at the beginning because we have a committee sitting here. So, the chair allowed it to come on the floor with the understanding that there would be a limitation, Delegate Eichhorn.

Delegate Jackson.

DELEGATE JACKSON: I'd like to speak against it for several reasons. First of all, Mr. Cooper is right. We

don't have a place. Second of all, I don't think the addition of extra days, unless we--I think that can be used as a way for us not to follow certain rules. If we followed the rules correctly, meeting 13 hours in one day--if we do that, we don't have time to work, to even study those proposals that are given to us. We need at least some time to look at what we have, study it, to write down the minutes, and other things. This doesn't allow that. And we would be here for six hours doing nothing.

CHAIRMAN BALDWIN: Thank you. I must repeat again for Delegate Eichhorn's concern the chair only accepted this with the understanding there would be limited debate. And the person to move it, Delegate Robinson, understood that. Therefore, the chair is using its option to vote on this. Those in favor--

DELEGATE CORN: Point of order.

DELEGATE EICHHORN: Point of order.

DELEGATE CORN: Point of order, Mr. President.

CHAIRMAN BALDWIN: Your point of order, Delegate Corn.

DELEGATE CORN: The chair is making up his or her own rules as they go along in this instance and in many other instances.

CHAIRMAN BALDWIN: Will you state your point of order.

DELEGATE CORN: My point of order is that the chair is not following the rules set forth by a majority of the delegates over weeks of debate, and I resent it.

CHAIRMAN BALDWIN: Will you be specific. What rule?

DELEGATE CORN: This rule.

CHAIRMAN BALDWIN: What rule?

DELEGATE CORN: This rule. The chair does not have the right in entering a debate or taking a motion to say that the only way I will entertain it is by doing it with the two for and the two against.

CHAIRMAN BALDWIN: [Rapping gavel] Delegate Corn--

DELEGATE CORN: There is nothing in the rules that permits the chair to entertain a motion with that caveat.

CHAIRMAN BALDWIN: Delegate Johnson. If you have a point of order, please state the rule is being violated. Please. That's according to our rule.

DELEGATE JOHNSON: I don't--

CHAIRMAN BALDWIN: I'm just saying if you have.

DELEGATE JOHNSON: As the maker of the motion, I just wanted to speak.

CHAIRMAN BALDWIN: Sure.

CHAIRMAN JOHNSON: Fellow delegates, I think that while we haven't voted on it yet, there are some of us that are very concerned about finishing our task in the month of May as opposed to the possibility of getting any extension in June. Some of us are simply unavailable in June. Therefore--

CHAIRMAN BALDWIN: [Rapping gavel] Delegate Corn, are you on the floor or off? Are you on the floor or off the floor? You have to go outside to smoke.

DELEGATE CORN: My hand is outside.

CHAIRMAN BALDWIN: Please, Delegate Corn, if you're smoking, go outside.

DELEGATE JOHNSON: Recognizing this and the fact that we do have a day, part of which could be used to finish our work, that's why I propose we meet Sunday. We have been told on past occasions that the District Building is available to us.

DELEGATE EICHHORN: Point of order, Mr. Chair. I don't think anybody is able to hear the speaker because there are so many conversations.

CHAIRMAN BALDWIN: [Rapping gavel] Thank you.

DELEGATE JOHNSON: The District Building, we have

been told repeatedly, is available to us for our work. It's not too far. We could, it seems to me, relocate. I would urge the delegates to consider this as a viable option for us in order to complete our task in May.

CHAIRMAN BALDWIN: Thank you, Delegate Johnson.

DELEGATE NAHIKIAN: Call the question.

CHAIRMAN BALDWIN: Delegate Robinson--the previous question has been called for.

DELEGATE ROBINSON: Can I complete my statement?

CHAIRMAN BALDWIN: Sure.

DELEGATE ROBINSON: I should just like to say that data collected by our group does not support the convention holding plenary sessions on Sunday.

DELEGATE JOHNSON: Pardon me?

DELEGATE ROBINSON: Data collected does not support calling plenary sessions on Sundays. The majority of the delegates--approximately three-fourths of the delegates--spoke negatively against meeting on Sunday.

DELEGATE JOHNSON: I did too at one point, Delegate Robinson, but--

CHAIRMAN BALDWIN: [Rapping gavel]

DELEGATE ROBINSON: Finally, I should say--

DELEGATE EICHHORN: Point of order, Mr. Chair.